

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 1034

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO AVIATION; TRANSFERRING OWNERSHIP AND ADMINISTRATION OF STATE AIRCRAFT, PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY AND CONTRACTUAL OBLIGATIONS FROM THE GENERAL SERVICES DEPARTMENT TO THE DEPARTMENT OF TRANSPORTATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 15-9-2 NMSA 1978 (being Laws 1994, Chapter 135, Section 2) is amended to read:

"15-9-2. DEFINITIONS.--As used in the State Aircraft Act:

A. "department" means the ~~[general services]~~ department of transportation; and

B. "state aircraft" means all state airplanes used primarily to transport passengers."

Section 2. Section 15-9-4.1 NMSA 1978 (being Laws 1995,

.156180.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 Chapter 47, Section 3) is amended to read:

2 "15-9-4.1. AVIATION SERVICES FUND.--There is created in  
3 the state treasury the "aviation services fund". Money in the  
4 fund is appropriated to the [~~general services~~] department for  
5 the purpose of operating, maintaining and repairing state  
6 aircraft, including fuel, insurance, pilot compensation and  
7 other basic support costs. Disbursements from the fund shall  
8 be made only upon warrant drawn by the secretary of finance and  
9 administration pursuant to vouchers signed by the director of  
10 the [~~motor pool~~] aviation division of the [~~general services~~]  
11 department. Money in the fund shall not revert at the end of  
12 any fiscal year."

13 Section 3. Section 15-9-5 NMSA 1978 (being Laws 1994,  
14 Chapter 135, Section 5) is amended to read:

15 "15-9-5. [~~TEMPORARY PROVISION~~] TRANSFER OF AIRCRAFT,  
16 PERSONNEL, MONEY, APPROPRIATIONS, FURNITURE, SUPPLIES AND OTHER  
17 PROPERTY AND CONTRACTUAL OBLIGATIONS.--On the effective date of  
18 [~~the State Aircraft~~] this 2005 act, the [~~passenger~~] aircraft  
19 owned by the [~~state corporation commission, the energy,~~  
20 ~~minerals and natural resources department and the state highway~~  
21 ~~and transportation~~] general services department shall be  
22 transferred to the [~~general services~~] department of  
23 transportation, and title to the aircraft shall be transferred  
24 to the [~~general services~~] department of transportation. On the  
25 effective date of [~~the State Aircraft~~] this 2005 act, the

.156180.1

underscored material = new  
[bracketed material] = delete

1 personnel, money, appropriations, furniture, supplies and other  
2 property attributable to the ownership, operation or  
3 maintenance of [~~passenger~~] aircraft in the [~~state corporation~~  
4 ~~commission, the energy, minerals and natural resources~~  
5 ~~department and the state highway and transportation~~] general  
6 services department shall be transferred to the [~~general~~  
7 ~~services~~] department of transportation. On the effective date  
8 of [~~the State Aircraft~~] this 2005 act, contractual obligations  
9 related to the ownership, operation or maintenance of  
10 [~~passenger~~] aircraft of the [~~state corporation commission, the~~  
11 ~~energy, minerals and natural resources department and the state~~  
12 ~~highway and transportation~~] general services department shall  
13 be binding on the [~~general services~~] department of  
14 transportation."

15 Section 4. Section 64-1-12 NMSA 1978 (being Laws 1963,  
16 Chapter 314, Section 2, as amended) is amended to read:

17 "64-1-12. DEFINITIONS.--As used in the Aviation Act:

- 18 A. "aircraft" means airplane and helicopter;  
19 B. "pilot" means any person participating in the  
20 operation of an aircraft while it is in flight;  
21 C. "passenger" means any person riding in an  
22 aircraft except a pilot;  
23 D. "department" means the [~~state highway and~~  
24 ~~transportation~~] department of transportation;  
25 E. "division" means the aviation division of the

underscoring material = new  
[bracketed material] = delete

1 department;

2 F. "director" means the executive head of the  
3 division; and

4 G. "secretary" means the ~~[executive head of the~~  
5 ~~department]~~ secretary of transportation."

6 Section 5. Section 64-1-13 NMSA 1978 (being Laws 1963,  
7 Chapter 314, Section 5, as amended) is amended to read:

8 "64-1-13. AVIATION DIVISION--POWERS AND DUTIES.--The  
9 division shall:

10 A. cooperate with all public and private agencies  
11 and organizations, state, local and federal, to encourage and  
12 advance aviation in this state;

13 B. assemble and distribute to the public  
14 information relating to aviation, landing fields, beacons and  
15 other matters pertaining to aviation and may accept federal  
16 money made available for the advancement of aviation;

17 C. authorize expenditures of money from the state  
18 aviation fund for construction, development and maintenance of  
19 public-use airport facilities, except airports serving  
20 regularly scheduled interstate airlines using aircraft with a  
21 maximum passenger capacity of more than sixty seats or a  
22 maximum payload capacity of more than fifteen thousand pounds,  
23 including rural landing fields and airstrips. Expenditures  
24 shall be made according to the need for airport facilities as  
25 determined by the division;

underscoring material = new  
[bracketed material] = delete

1           D. operate under a director, appointed by the  
2 secretary, with the approval of the governor, who shall have an  
3 aviation background and meet other qualifications prescribed by  
4 the secretary;

5           E. establish policies for operation of the  
6 division;

7           F. promulgate rules for proper enforcement of  
8 aviation laws, except for those relating to common carriers;

9           G. provide for a surety bond, paid from the state  
10 aviation fund, issued by a corporate surety company licensed to  
11 do business in New Mexico, in an amount set by the state board  
12 of finance, on a form approved by the attorney general,  
13 conditioned upon the faithful performance of the duties of the  
14 personnel of the division who expend or authorize the  
15 expenditure of state funds;

16           H. have the following powers with respect to state  
17 airports:

18                   (1) the division may, on behalf of and in the  
19 name of the state, out of appropriations and other money made  
20 available for such purposes, plan, construct, enlarge, improve,  
21 maintain, equip and operate airports and air navigation  
22 facilities, including the construction, equipment, maintenance  
23 and operation at such airports of buildings and other  
24 facilities for the servicing of aircraft or for the comfort and  
25 accommodation of air travelers. For such purposes, the

underscoring material = new  
[bracketed material] = delete

1 division may, in the name of the state, by purchase, gift,  
2 devise, lease or otherwise, acquire property, real or personal,  
3 or any interest in property, including easements in airport  
4 hazards or land outside the boundaries of an airport or airport  
5 site, as are necessary to permit safe and efficient operation  
6 of the airports or air navigation facilities. The division may  
7 enter into any contracts necessary to the execution of the  
8 powers granted it by this paragraph; and

9 (2) the division may accept, receive, receipt  
10 for, disburse and expend federal money and other money, public  
11 or private, made available to accomplish, in whole or in part,  
12 any of the purposes of this subsection. All federal money  
13 accepted under this subsection shall be accepted and expended  
14 by the division upon such terms and conditions as are  
15 prescribed by the United States. The division, on behalf of  
16 the state, may enter into contracts with the United States or  
17 with any person that may be required in connection with a grant  
18 or loan of federal money for airport or air navigation facility  
19 purposes. All money received by the division pursuant to this  
20 subsection is appropriated for the purpose for which the money  
21 was made available, to be disbursed or expended in accordance  
22 with the terms and conditions upon which the money was made  
23 available; provided that nothing contained in this section  
24 shall affect the power of a local government to contract with  
25 the United States or any person in connection with a grant or

underscoring material = new  
~~[bracketed material]~~ = delete

1 loan of money for airports or air navigation facilities in  
2 accordance with the terms and conditions upon which the funds  
3 were made available; ~~[and]~~

4 I. have the power to engage in planning for the  
5 development of a system of public airports within the state;  
6 and

7 J. administer the State Aircraft Act."

8 Section 6. EMERGENCY.--It is necessary for the public  
9 peace, health and safety that this act take effect immediately.